

PLANNING APPEALS AMENDMENT BILL 2001

Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Hon Jon Ford) in the Chair, Hon Graham Giffard (Parliamentary Secretary) in charge of the Bill.

New Clause 20 -

Debate was interrupted after the clause had been partly considered.

Hon PETER FOSS: As I said before the House adjourned for afternoon tea - it seems as though some members adjourned for afternoon red cordial, by the sound of their reactions - it is sad to see that section 33A is being revived. The general opinion was that the way in which things were done by Hon Richard Lewis and Hon Graham Kierath was so successful that section 33A would not be used again. It is a matter of some sadness to hear that the current minister is planning to use this method. Whether a minister needs to or not, Hon Richard Lewis established an excellent precedent in using section 33A exclusively. He demonstrated that it was a very effective and democratic way of dealing with amendments to the metropolitan region scheme. I commend his method. I regret that this amendment is being made when the only one I am aware of that is outstanding is this one. I am against it.

Hon GRAHAM GIFFARD: I am advised that 23 minor amendments were initiated by the previous Government. I am also advised that if the minor amendment on road reserves were not passed, no major amendment would be required for the purposes outlined by Hon Peter Foss. It would otherwise merely require the Western Australian Government Railways Commission to lodge a development application with the Western Australian Planning Commission. This Government would not be the first Government to lodge a development application with the Planning Commission. I thank members for indicating their support for the amendment and the Bill.

Hon JIM SCOTT: I cannot let this pass without comment. While I have been concerned about the misuse of minor amendments in the past, I want to put on the record that minor amendments were not the only issue. As a matter of interest, I have been given to understand that Hon Peter Foss may have got it wrong about minor amendments under his Government.

Hon Peter Foss: I cannot remember any coming to Cabinet, so I am very surprised.

Hon JIM SCOTT: The Northbridge tunnel comes to mind, along with 26 other minor amendments. He is not quite correct.

I seek some clarification from the parliamentary secretary. There is another way to get around significant planning changes without proper scrutiny, apart from the minor amendments process; that is, the use of the public utility clause. It was used to progress the motorplex at Kwinana. That process avoids the normal scrutiny of this Parliament and it involves virtually no public process. A minister can simply decide that a facility is a public utility. The motorplex contract had not been advertised and the two preferred tenderers were briefing members of Parliament before a decision had been made about who would be the lucky beneficiaries. That seemed strange to me. I hope - I may get a response about this from the parliamentary secretary - that the minister will consider closing that loophole, because it is an ingenious device to pass off something as an important public facility when it is not and, thereby, avoid proper parliamentary and community scrutiny. That facility is driving people in the area mad.

Hon GRAHAM GIFFARD: I am not sure what the member is asking. Does he want an assurance about the public utility loophole?

Hon Jim Scott: Yes. I understand that the parliamentary secretary has said that it will not be used in the wrong way in this case. Will the minister be looking to close the loophole that is used for declaring something a public utility, thereby avoiding public scrutiny?

Hon GRAHAM GIFFARD: I thank the member for that clarification. I am not in a position to say that the minister will act to close that loophole. I will certainly refer it to her, but I am not in a position to advise what will happen. It has only just been raised with me, but I will take it up directly with the minister.

New clause put and passed.

Title put and passed.

Bill reported, with amendments.

Leave granted to proceed through the remaining stages.

Report

Report adopted.

Third Reading

Bill read a third time, on motion by Hon Graham Giffard (Parliamentary Secretary), and returned to the Assembly with amendments.